

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATERN, INC.

Plaintiff,

v.

THE ALLSTATE CORPORATION, ET AL
Defendants.

Civil Action No. 2:09-CV-178

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITHOUT PREJUDICE

The plaintiff, DataTern, Inc. ("DataTern"), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby voluntarily dismisses all claims between DataTern and Washington Mutual, Inc. in this action WITHOUT PREJUDICE. Prior to the filing of this notice, Washington Mutual, Inc. has neither served an answer or a motion for summary judgment.

Dated: February 2, 2010

Respectfully submitted,

DATATERN INC.

By: /s/Patrick R. Anderson

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ATTORNEYS FOR PLAINTIFF
DataTern, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

February 2, 2010

/s/ Patrick R. Anderson
Patrick R. Anderson